

that, in accordance with the Associate Power filed on August 23, 2002, the Patent Office records be changed to reflect that all future correspondence regarding this matter be mailed to the following:

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***Election/Restrictions***

In the Office Action, Applicant's traversal of the restriction requirement is denied on the grounds that the product can be made by other methods. The Office Action states that if the product in the product-by-process claim is the same as or obvious from a product of the prior art, the claim is unpatentable even though the prior art product was made by a different process.

It is respectfully submitted that the rejection is based on the assumption that the product of the current invention is the same as or obvious from the product of the prior art. It is not. The product of the current invention is a resin body overmolded about a bottle by injection molding. Injection molding results in a resin body with molecular strand alignment that is unique to injection molding. In an injection molded product, strands in at least the middle of the resin cross-section (the 'core') are generally aligned transversely to the flow of material during injection, while strands at the surfaces of the resin body (the 'skin') are generally aligned parallel to the flow of material during injection. As strands at the surfaces ("surfaces" includes those formed by the mold and those formed adjacent an insert, e.g., a bottle) are generally aligned parallel to the flow of material and the flow is generally parallel to the plane of the surfaces, the molecular strands are aligned generally parallel to those surfaces. In the present invention, this results in fiber orientation that varies across the thickness of the part, forming a skin-core structure. In other words, in the present invention, the resin structure has a first layer of molecular strands aligned in a first direction at the bottle wall (generally parallel to the bottle wall), a second layer of molecular strands aligned in a second direction at the mold-formed surfaces (generally parallel to the mold-formed surfaces, and parallel to the first direction where the mold-formed surfaces and bottle wall are parallel), and a third layer of molecular strands between the first and second layer, the molecular strands of the third layer aligned transversely to the flow of material during injection (i.e., generally

transversely to the molecular alignment of the first and second layers). The strength advantages of this skin-core structure should be apparent to anyone skilled in the art.

In contrast, the Barriere reference discloses a glass bottle coated with a polyester resin. Both the product and the process disclosed in the Barriere reference are different from the product and the process, respectively, of the present invention. At the time the Barriere reference was issued (1972), polyester resins were coated on objects by dipping the object in liquid polyester resin (repeating the dipping process to yield a thicker coating), or by pouring liquid polyester resin in a mold containing the object. (Dipping or casting) generally yields random strand alignment or linear strand alignment that is uniform throughout the cross-section of the product. Neither method, dipping nor casting, yields a skin-core structure having layers with transversely oriented molecular strands. Accordingly, although the product disclosed in the Barriere reference appears to be the same as the present invention, the product of the present invention is substantially different, and has significant advantages over the product disclosed in the Barriere reference. The layers with transversely oriented molecular strands yield a resin body that can be stronger by several magnitudes than a dipped or cast body.

In addition to the strength advantage, the process of the present invention is faster (and thus more commercially viable) than the coating process disclosed in the Barriere reference. The coating process described by Barriere may yield approximately 50 units per hour. In contrast, the overmolding by injection process of the present invention, even at a relatively conservative pace, can yield 8 units in 20 seconds. The commercial advantage of the present invention should therefore be abundantly clear.

Because the product of the present invention has layers with transversely oriented molecular strands, it is not the same product as that disclosed in the Barriere reference, and it is not obvious in view of the cited prior art because none of the cited references teach or suggest that any benefit or advantage can be yielded, e.g. orienting molecular strands. Because the skin-core layers with transversely oriented molecular strands can only be made by injection molding, the product of the present invention having layers with transversely oriented molecular strands is unique to the process of overmolding by injection. Thus, the product-by-process claims of the present application are proper and patentable over the cited prior art. Reconsideration and appropriate action is respectfully requested.

***Claim Rejections - 35 U.S.C. 102***

In the Office Action, claims 1, 2, 4, 5, 7-9 and 12 stand rejected under 35 U.S.C. 102(b) as being anticipated by Barriere. According to the Office Action, the Barriere reference teaches a container having a first thin-walled bottle with a neck 2 extending from a storage portion, and a minimum wall thickness, a resin body 5 having a maximum wall thickness at least three times the minimum wall thickness of the storage portion.

A rejection under 35 U.S.C. 102(b) requires that a single reference disclose each element of a pending claim. As noted above, the Barriere reference fails to teach (or suggest) overmolding by injection. At best the Barriere reference teaches coating by dipping or casting in a liquid polyester resin. As noted above, the present claims call for overmolding by injection, which yields a unique product, a bottle enclosed in a resin body with a skin-core structure having layers with transversely oriented molecular strands. The Barriere reference does not disclose overmolding by injection, and therefore, the Barriere reference does not disclose the product yielded by the present invention and does not disclose each of the elements of the present claims. Accordingly, the Barriere reference cannot support a rejection of the present claims under 35 U.S.C. 102(b). For at least the foregoing reasons, it is respectfully submitted that the rejection of claims 1, 2, 4, 5, 7-9 and 12 under 35 U.S.C. 102(b) as being anticipated by Barriere is inappropriate and should be withdrawn.

#### ***Claim Rejections - 35 U.S.C. 103***

Claims 3, 6, 10 and 12 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Barriere in view of, *respectively*, Frye et al. (4138027), Shaffer (3006780), Richie (3738524) and Reinhard (3870186). In each case, the Office Action asserts that Barriere "meets all claimed limitations except"... with the exception being met by the respective second reference.

As detailed above, Barriere falls short of meeting all claimed limitations. In particular, Barriere, nor any other cited reference, teaches or suggests overmolding by injection. As noted above, overmolding by injection yields a unique skin-core molecular alignment that is not disclosed by Barriere or any other cited reference. Furthermore, Barriere, either alone or in combination with any other cited reference, fails to suggest the claimed invention because none of the references teach or suggest that any benefit or advantage would be achieved by injection overmolding the structure of the present invention. Because Barriere either alone or in combination with the other cited

references does not teach or suggest injection overmolding the structure according to the present invention, Barriere fails to meet all of the claim limitations and cannot support the rejection of claims 3, 6, 10 and 12 under 35 U.S.C. 103(a). Accordingly, it is respectfully submitted that the rejection of claims 3, 6, 10 and 12 under 35 U.S.C. 103(a) be withdrawn.

In view of the remarks above, it is respectfully submitted that the present invention is patentable over the cited prior art. Early and favorable consideration is respectfully requested. Applicants reserve the right to file division, continuation and continuation-in-part applications to prosecute any inventions or species.

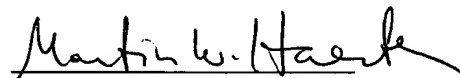
Submitted concurrently herewith is a Petition for Extension of Time to extend the time to respond by two months from January 3, 2003 to March 3, 2003. The Petition includes authorization for the Commissioner to charge the fee for extension to Deposit Account No. 05-1320.

If there are any other issues remaining which the Examiner believes could be resolved through telephone contact, the Examiner is respectfully encouraged to call the undersigned at the telephone number indicated below.

March 3, 2003

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Respectfully submitted,



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